

UNAPPROVED

# VIRGINIA RACING COMMISSION

## MINUTES

### OF THE

### COMMISSION MEETING

July 17, 2007

COLONIAL DOWNS/HBPA Building  
10700 HORSEMEN'S ROAD  
NEW KENT, VIRGINIA

#### In Attendance

##### Commission Members:

Peter C. Burnett, Chairman  
William "Trip" Ferguson  
I. Clinton Miller  
David C. Reynolds

##### Commission Staff:

Stanley K. Bowker, Executive Secretary  
David Lermond, Jr., Director of Pari-Mutuels  
Joseph M. Roney, Director of Operations & Enforcement  
Marvin A. Sniegon, Director of Financial Management & Planning  
Dr. Richard Harden, Commission Veterinarian

##### Attorney General's Office:

Amy K. Dilworth, Esq.

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Chairman Burnett called the regular monthly meeting of the Commission to order.

The minutes of the June 20, 2007 meeting were approved.

During commissioners' comments, Chairman Burnett stated that he Commissioner Reynolds, Mr. Bowker, Commission counsel Frank Ferguson and Ms. Dilworth met with Attorney General Robert McDonnell earlier in the day over legal matters facing the Commission.

He also reported that he and Mr. Bowker had meet with a number of industry leaders in Kentucky and he noted there is remarkable support from racetracks for the regulation of steroids.

Commissioner Reynolds, Chairman of the Marketing and Promotion Committee, introduced Amy Kaloski of CRT/tanaka who provided an update on the marketing activities to date.

Acting on the recommendation from Mr. Bowker, the Commission approved Colonial Downs' August simulcasting schedule.

Dr. Harden provided a report on the horses that have been euthanized this year. He stated when a horse dies on the track urine and blood samples are collected and sent to the testing laboratory for analysis. In the case of one that died with no apparent cause, a complete autopsy is being performed. He added that an analysis of data from the six incidents does not suggest a common cause.

Mr. Bowker reported that the Amended Twin Spires Agreement was reviewed by staff and approved pending ratification by the Commission. He said the amended agreement includes AmericaTab which Twin Spires recently acquired. The Commission moved to ratify the approval of the Amended Twin Spires Agreement.

An update on drug testing by Iowa State University Laboratory also was provided by Mr. Bowker. The additional testing that the Commission has requested plus transportation to Ames, Iowa has delayed the release of purses. Except for stakes races, the VaHBPA has agreed to guarantee reimbursement to the purse account in a case where an owner whose purse is redistributed does not pay in a timely manner. This has facilitated the payment of purses on a schedule similar to previous years.

During the Colonial Downs report, Vice President and General Manager Iain Woolnough said 79% of the races to date have been run on the turf course. He noted there are 10 entries for Saturday's \$1,000,000 Virginia Derby and 13 for the \$200,000 Virginia Oaks. Both races will be televised live on CBS.

The next meeting of the Commission will be Wednesday, August 15, 2007.

Chairman Burnett made the following motion:

“In accordance with the provisions of Section 2.2-3711 (A)(1) of the Code of Virginia, I move that the Commission go into closed meeting for the purpose of discussion, consideration, of prospective candidates for employment; assignment, appointment, performance, salary of specific employees of the Commission and consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the Commission and consultation with legal counsel employed or retained by the Commission regarding specific legal matters requiring the provision of legal advice by such counsel. All in favor, indicate by saying aye.”

The motion was seconded and was unanimously approved.

Coming out of closed meeting, Chairman Burnett offered the following motion:

“Whereas, the Virginia Racing Commission has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of The Virginia Freedom of Information Act; and whereas, Section 2.2-3712 of the Code of Virginia requires a certification by this Commission that such closed meeting was conducted in conformity with Virginia law;

“Now, therefore, be it resolved, that the Virginia Racing Commission certifies that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Commission in the closed meeting.”

The motion was seconded and the vote was as follows: Ferguson, aye; Reynolds, aye; Miller, aye; and Chairman Burnett, aye.

There being no further business, the monthly meeting was adjourned at 3:48 p.m.